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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

October 14, 2010

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.:06MD-159

(Maui)

Grant of Perpetual, Non-Exclusive Access and Utility Easement,
and Immediate Construction Right-of-Entry to Maui Electric
Company, Limited and Hawaiian Telcom, Inc. for Construction
Purposes; Hana, Maui, Tax Map Key: (2) 1-3-004:015.

APPLICANT:

Maui Electric Company, Limited, a Hawaii corporation whose business
and mailing address is Box 398, Kahului, Hawaii 96733.

Hawaiian Telcom, Inc., a Hawaii corporation whose business and
mailing address is Box 2200, Honolulu, Hawaii 96841.

LEGAL REFERENCE:

Section 171-13, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Wakiu and Kawaipapapa situated at
Hana, Maui, identified by Tax Map Key: (2)1-3-004:015 , as shown on
the attached map labeled Exhibit A.

AREA:

500 square feet, more or less.

ZONING:

State Land Use District: Agricultural
County of Maui CZO: Agriculture

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State
Constitution: YES _____ NO X

CURRENT USE STATUS:

Encumbered by a month-to-month Revocable Permit No. S-7220, State of Hawaii, Department of Land and Natural Resources, Division of Forestry and Wildlife, for baseyard and storage purposes.

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain, repair, replace and remove telecommunication and electrical transmission lines, poles, guy wires and anchors over, under and across State-owned land.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

One-time payment to be determined by independent or staff appraisal establishing fair market rent, subject to review and approval by the Chairperson.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Division of Land Management's Environmental Impact Statement Exemption List", approved by the Environmental Council and dated April 28, 1986, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 3, Item No. 1.d. that states "Water, sewage, electrical, gas, telephone and other essential public utility services extensions to serve such structures or facilities."

DCCA VERIFICATION:

Place of business registration confirmed:	YES <u>X</u>	NO <u> </u>
Registered business name confirmed:	YES <u>X</u>	NO <u> </u>
Applicant in good standing confirmed:	YES <u>X</u>	NO <u> </u>

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Pay for an appraisal to determine a one-time payment;
- 2) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost.

REMARKS:

Robert A. Frost and Francine Frost, Trustees of the Frost Revocable

Living Trust dated May, 1999 are property owners at Tax Map Key (2) 1-3-004:014. They have requested Maui Electric Company, Ltd. and Hawaiian Telcom, Inc. to provide service to their new dwelling. An overhead primary line extension will be installed, running from the homeowner's property to a pole and anchor installed in the State property. Refer to the Site Plan, Exhibit "B".

The Division of Forestry and Wildlife (Revocable Permit No. 7220), in working partnership with the Hana Invasive Species Committee for the control of Miconia in the Wakiu area, have received the Frosts' support in the State's efforts. Pursuant to discussion with the Forestry and Wildlife Manager, it has been verified that the Frost's have extended the continued use of their land to the State for access purposes.

The Applicants have not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

No comments were solicited. There are no pertinent issues or concerns.

RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the subject requests to be applicable in the event of a change in the ownership of the abutting parcel described as Tax Map Key: (2)1-3-004:014, provided the succeeding owner has not had a lease, permit, easement or other disposition of State lands terminated within the last five (5) years due to non-compliance with such terms and conditions.
3. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a perpetual non-exclusive easement to Maui Electric Company, Limited and Hawaiian Telcom, Inc., covering the subject area for utility purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current perpetual easement document form, as may be amended from time to time;
 - B. The easement shall run with the land and shall inure to the benefit of the real property described as Tax Map Key: (2) 1-3004:014, provided however: (1) it is


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following:


- A. The standard terms and conditions of the most current right-of entry permit form, as may be amended from time; and;
- B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



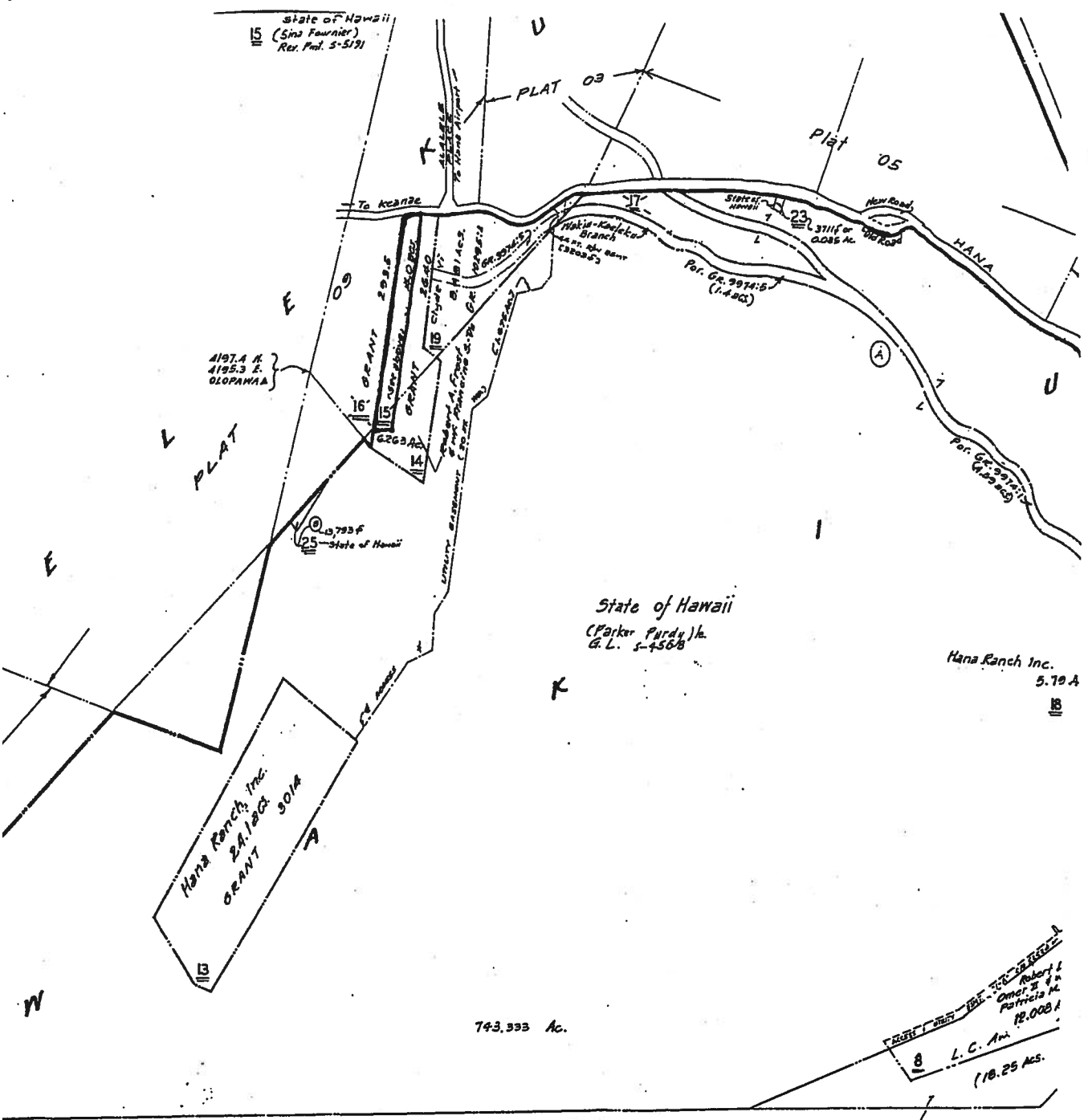
 Larry Pacheco
Land Agent

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson





743,333 Ac.

SECOND DIVISION		
ZONE	SEC.	PLAT
1	3	04
CONTAINING PARCELS		

EXHIBIT A

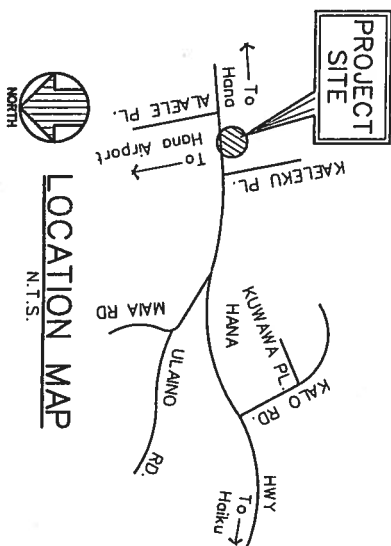
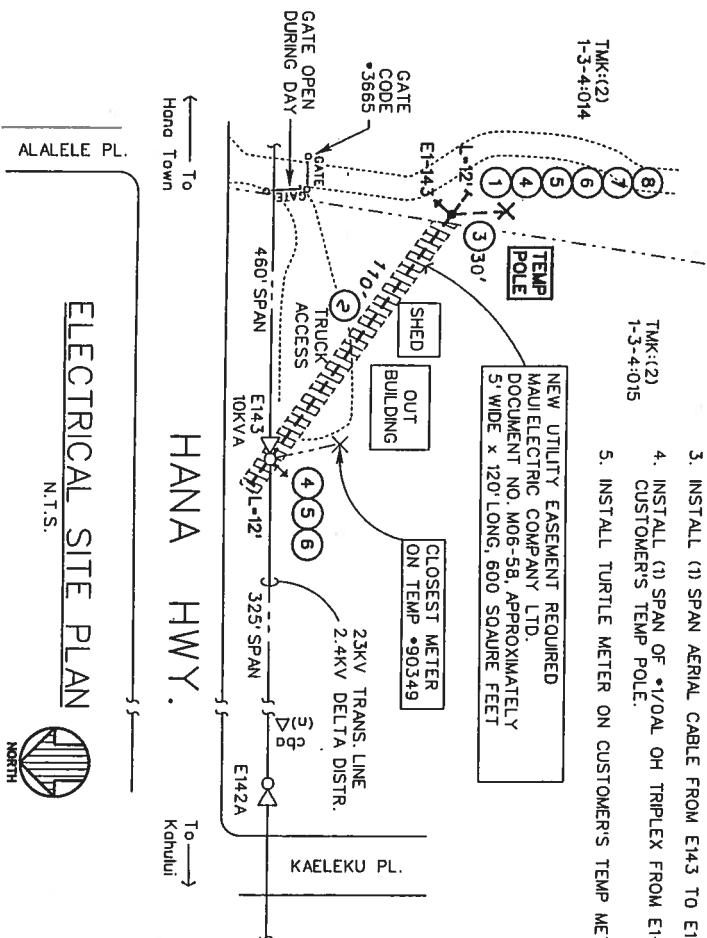
LINE	SMU	CODE	DESCRIPTION	QTY.
1	-----	00019	35' POLE	1
2	-----	07981	AERIAL CABLE	125'
3	-----	07985	#1/0AL OVERHEAD TRIPLEX - 600V	40'
4	03-4100-A3	-----	3/8" ANCHOR GUY	2
5	03-4120-C3	-----	CONCRETE DEADMAN W/ 1" ROD	2
6	05-1009-F3	-----	AERIAL CABLE DEADEND	2
7	12-1020-F3	-----	NEUTRAL GROUNDING - DEADEND	1
8	12-5201	-----	TYPE II OBJECT MARKER	1

MECO NOTES:

1. INSTALL (1) POLE (E1-143) AND ANCHOR.
2. INSTALL (1) ANCHOR ON EXISTING POLE E143.
3. INSTALL (1) SPAN AERIAL CABLE FROM E143 TO E1-143.
4. INSTALL (1) SPAN OF #1/0AL OH TRIPLEX FROM E1-143 TO CUSTOMER'S TEMP POLE.
5. INSTALL TURTLE METER ON CUSTOMER'S TEMP METER SOCKET.

ELECTRICAL LEGEND:

- EXISTING POLE
- EXISTING ANCHOR
- EXISTING OVERHEAD CONDUCTORS
- △ EXISTING POLE/MOUNT TRANSFORMER
- NEW POLE
- NEW OVERHEAD SECONDARY
- ||||| NEW METER LOOP
- ← NEW GROUNDING
- NEW ANCHOR



EASEMENT DOCUMENT NO: M06-58
SUBSTATION: SUB 41 HANA
CIRCUIT: AIRPORT CKT.
2400 DELTA
ESTIMATED DEMAND: 2KW
TAX MAP KEY: 1-3-004:014
REFER TO MAP(S): 9502
APPLICATION NO: M0020481
JOINT POLE NO: 50-614

MAUI ELECTRIC CO., LTD.		KAHULUI, MAUI, HAWAII, 96732	
ROBERT FROST		SECONDARY LINE EXTENSION	
DESIGNED BY: M. PRINCE	DRAWN BY: MP	DATE: 6/19/06	HANA
ELEC. ENGR. NO: 9502	JOB NO.:	DWG. NO.:	
APPROVED BY: [Signature]	DATE: 6/21/06		

SHT. 1 OF 1

Exhibit B



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

September 22, 2010

EXEMPTION NOTIFICATION

regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title: Grant of perpetual non-exclusive access and utility easement and construction right of entry to Maui Electric Company, Limited and Hawaiian Telcom, Inc.

Project / Reference No.: 06MD-159

Project Location: Hana, Maui, TMK (2) 1-3-004:portion of 015

Project Description: Grant of access and utility easement and construction right of entry

Chap. 343 Trigger(s): Use of state land

Exemption Class No.: In accordance with the Division of Land Management Environmental Impact Statement Exemption List, approved by the Environmental Council and dated April 28, 1986, the subject project is considered to be exempt from the preparation of an environmental assessment pursuant to Exemption Class No.3, that states: "Construction and location of single, new small facilities or structures and the alteration and modification of same and installation of new, small, equipment and facilities and the alteration and modification of same including but not limited to: (a) single family residences not in conjunction with the building of two (2) or more such units; (b) multi-unit structures designed for not more than four (4) dwelling units if not in conjunction with the building of two (2) or more such structures; (c) stores, offices and restaurants designed for total occupant load of twenty (20) persons or less, if not in conjunction with the building of two (2) or more such structures; (d) water, sewage, electrical, gas, telephone, and other essential public utility services extensions to serve such structures or facilities; and (e) accessory or appurtenant structures including garages, carports, patios, swimming pools, and fences."

Exemption Notification for Access and utility Easements

September 22, 2010

Page 2

Exemption Item Description

from Agency Exemption List: 1.d- "Water, sewage, electrical, gas, telephone and other essential public utility services extensions to serve such structures or facilities" This exemption is appropriate as the structure served by the utilities will be a private residence.

Recommendation:

It is recommended that the Board find that it is anticipated this project will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.

Laura H. Thielen, Chairperson

Date